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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,369	12/09/2005	Thomas Dittenhofer	INA-19	3821
20311 7590 01/28/2009 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER EVANSKO, LESLIE J				
ART UNIT		PAPER NUMBER		
2854				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,369

Applicant(s)

DITTENHOFER, THOMAS

Examiner

Leslie J. Evanisko

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1 and 3-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

EX-PARTE QUAYLE ACTION

1. This application is in condition for allowance except for the following formal matters:

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tapered roller bearing and angular contact ball bearing as recited in claims 4 and the control device as recited in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional

replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: It is noted that the specification has several instances in which there is a reference to particular claim numbers. This begins on page 3, line 9, and continues through page 6, line 6. This is a problem since during the process of preparing the application for issue and publishing, the original claims may be renumbered by the Examiner, making the particular claim number references in the specification both confusing and inaccurate. Therefore, it is suggested that applicant delete all references to particular claim numbers from the specification.

Appropriate correction and/or clarification is required.

Claim Objections

5. Claims 1 and 3-11 are objected to because of the following informalities:

With respect to claim 1, it appears that the reference to the "journal bearing" throughout claim 1 should be the "journal" since no journal bearing is shown or clearly discussed in the specification and drawings. Note even the parts

list on page 9 of the disclosure only references a "journal" and not a "journal bearing" as recited in the claims. Note this term is also present in claims 3, 8, and 11.

Additionally with respect to claim 1, it is suggested that the term "it" in line 13 be deleted and replaced with the actual structure to which "it" is referring since the term "it" is somewhat ambiguous and open to interpretation. Also, in line 15, it is suggested that the term "a" be deleted and replaced with --the-- since the printing press housing was previously recited in line 9.

With respect to claim 3, the term "the end face" in line 3 has no proper antecedent basis since no end face of the journal was previously recited. Additionally in line 3, it is suggested that one of the phrases "of the" be deleted since it is redundant.

With respect to claim 7, line 3, it is suggested that the phrase "that is arranged on said cylinder" be deleted or moved after the term "apparatus" in line 2 so that the claim language is more clear.

With respect to claim 11, line 7, it is suggested that the term "a" be deleted and replaced with --the-- since the journal was previously recited in line 3. Additionally, in line 7, it is suggested that the term "it" in line 13 be deleted and replaced with the actual structure to which "it" is referring since the term "it" is somewhat ambiguous and open to interpretation.

Appropriate correction and/or clarification is required.

Response to Arguments

6. Applicant's arguments, see pages 5-6 of the amendment, filed August 4, 2008, with respect to claims 1 and 3-11 have been fully considered and are persuasive. The prior art rejection of claims 1 and 3-9 has been withdrawn.

Allowable Subject Matter

7. Claims 1 and 3-11 are objected to for the reasons set forth above, but would be allowable if rewritten to overcome those objections to the satisfaction of the Examiner.

8. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 1 and 11 in particular, the prior art of record fails to teach or fairly suggest an electromotive drive for a printing press cylinder having all of the structure as recited, in combination with and particularly including, the roller bearing, rotor, stator, and motor housing being a single unit that can be fitted to the journal so that when the single unit is attached to the printing press cylinder, the stator is fixedly attached to the printing press housing and the rotor is fixedly attached to and axially extends beyond the end face of the roller bearing and does not extend axially along the journal bearing.

Conclusion

9. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie J. Evanisko /
Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje

January 23, 2009